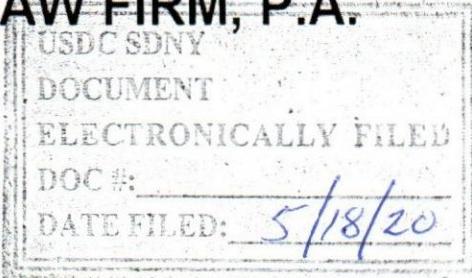


THE WEITZ LAW FIRM, P.A.



February 29, 2020

MEMO ENDORSED

Bank of America Building
18305 Biscayne Blvd.,
Suite 214
Aventura, Florida 33160

VIA CMM/ECF

Honorable Judge Colleen McMahon
United States District Court
Southern District of New York
500 Pearl St., Courtroom 24A
New York, New York 10007

5/18/20

D6 make & motion
not send letter
s letter

Colleen McMahon

**Re: Velasquez v. Kiner's Corner LLC, et al.-
Case 1:18-cv-10969-RWS**

Dear Judge McMahon:

The undersigned represents the Plaintiff in the above-captioned case matter.

At the January 10, 2020 Initial Conference, counsel for defendant/landlord George Papadopoulos (an individual), John DeMaio, Esq., was ordered to provide Plaintiff's undersigned counsel with copies of the leases of the current tenant (City Pizza) and former tenant (Two Boots Pizza) as Mr. DeMaio had stated at the Conference that the currently named defendant Kiner's Corner LLC is an incorrectly named entity, but had since failed to provide either of the two leases or even the entities names despite numerous written requests and telephone calls (including undersigned's call to confer which Mr. DeMaio abruptly disconnected). This noncompliance had significantly delayed Plaintiff's ability to expeditiously and accurately amend the Complaint [D.E. 1] to reflect the correct entities names and defendants.

Therefore, it became necessary for Plaintiff's undersigned's counsel to file a letter motion on February 14, 2020 to compel compliance [D.E. 25] by John DeMaio, Esq. and/or his admittedly "bit difficult" client (as Mr. DeMaio himself phrased it) to provide the copies of the leases of the current (City Pizza) and former tenant (Two Boots Pizza), as had been ordered almost a month earlier at the January 10, 2020 Conference. On February 18, 2020, Your Honor then issued an Order [D.E. 26], that "either the leases are provided to Mr. Weitz by 2/28/2020, or I will entertain a motion to hold Mr. DeMaio's "difficult" client's principal in contempt." Despite not since receiving any type of response from Mr. DeMaio, undersigned counsel had followed up in writing to Mr. DeMaio on both 2/19/20 and 2/28/20 again requesting a copy of the leases in compliance with the Court's Order [D.E. 26] (see attached both emails attached hereto as Exhibit A & Exhibit B respectively). Notwithstanding all of undersigned counsel's efforts and the Court's Order on February 18, 2020 [D.E. 26] to provide the leases by February 28, 2020, Mr. DeMaio has shockingly still not provided any of the leases or entities information and has not even responded in any manner since the Court's recent Order [D.E. 26], despite the warning therein of entertaining a motion for contempt.

Therefore, Plaintiff and his undersigned counsel hereby respectfully request that defendant/landlord George Papadopoulos (an individual) and/or his counsel John DeMaio, Esq. be held in contempt and sanctioned as the Court deems appropriate, including, but not limited, reimbursement for undersigned's attorneys hours expended in connection with numerous follow-up attempts to Mr. DeMaio throughout this approximately fifty (50) day long process to seek copies of the leases. The aforementioned inexplicable lack of compliance has significantly delayed Plaintiff's ability to accurately amend his Complaint, which in turn has further delayed prosecution of this 2018 matter, thereby prejudicing the Plaintiff, as well as the efficiency of this Court.

Thank you for your attention to this unfortunate, but necessary, request.

Sincerely,

By: /S/ B. Bradley Weitz
B. Bradley Weitz, Esq. (BW 9365)
THE WEITZ LAW FIRM, P.A.
Attorney for Plaintiff
Bank of America Building
18305 Biscayne Blvd., Suite 214
Aventura, Florida 33160
Telephone: (305) 949-7777
Facsimile: (305) 704-3877
Email: bbw@weitzfirm.com

From: B. Bradley Weitz, Esq.

To: John DeMaio

Cc: TKE Weitz, Law Firm, PA

B

8:50p

**Re: Activity in Case 1:18-cv-10969-CM-KNF Velasquez v.
Kiner's Corner LLC et al Order on Motion to Compel**

Wednesday, Feb 19, 2020 at 8:50 PM

✓ Found in bweitzdigital@gmail.com Sent Mailbox

Mr. DeMaio,

Per the Court's Order below and attached hereto in PDF, please promptly provide me with copies of both Leases (including for Two Boots Pizza) by February 28th or the Court will entertain a motion to hold your client's principal "in contempt." Thank you:

----- Forwarded message -----

From: <NYSD_ECF_Pool@nysd.uscourts.gov>

Date: Wednesday, February 19, 2020

Subject: Activity in Case 1:18-cv-10969-CM-KNF Velasquez v. Kiner's Corner LLC et al
Order on Motion to Compel

To: CourtMail@nysd.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS There is no charge for viewing opinions.

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 2/19/2020 at 11:47 AM EST and filed on 2/19/2020

Case Name: Velasquez v. Kiner's Corner LLC et al

Case Number: 1:18-cv-10969-CM-KNF

Filer:

Document Number: 26

Docket Text:

ORDER terminating [25] Letter Motion to Compel. Either the leases are provided to Mr. Weitz by 2/28/2020 or I will entertain a motion to hold Mr. DeMaio's "difficult client's principal in contempt. (Signed by Judge Colleen McMahon on 2/18/2020) (mml)

From: B. Bradley Weitz, Esq.

To: John DeMaio

Cc: The Weitz Law Firm, P.A.

Hide



**Re: Activity in Case 1:18-cv-10969-CM-KNF Velasquez v.
Kiner's Corner LLC et al Order on Motion to Compel**

Yesterday at 12:47 PM

of bweitz@gmail.com Sent: Monday,

Mr. DeMaio,

Again, Per the Court's Order today is your deadline to provide me with copies of both Leases (including for Two Boots Pizza) or the Court will entertain a motion to hold your client's principal "in contempt", which we intend to file if you do not timely comply.

Thank you

B. Bradley Weitz, Esq.
The Weitz Law Firm, P.A.
Bank of America Building
18305 Biscayne Blvd., Suite 214
Aventura, Florida 33160
www.WeitzFirm.com
Tel. - (305) 949-7777
Fax - (305) 704-3877

On Feb 19, 2020, at 5:14 PM, B. Bradley Weitz, Esq. <bweitz@gmail.com> wrote:

Mr. DeMaio,

Per the Court's Order below and attached hereto in PDF, please promptly provide me with copies of both Leases (including for Two Boots Pizza) by February 28th or the Court will entertain a motion to hold your client's principal "in contempt." Thank you:

----- Forwarded message -----

From: <NYSDEC.Portal@nysd.uscourts.gov>

Date: Wednesday, February 19, 2020

Subject: Activity in Case 1:18-cv-10969-CM-KNF Velasquez v. Kiner's Corner LLC et al Order on Motion to Compel

To: CourtMail@nysd.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS There is no charge for viewing opinions.